

2-1

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

PLANNING COMMISSION

MEETING DATE August 23, 2012	CONTACT/PHONE Karen Nall 781-5606 knall@co.slo.ca.us	APPLICANT County of San Luis Obispo	FILE NO. LRP2011-00010
SUBJECT Hearing to consider a request by the County of San Luis Obispo to amend Sections 22.30.070, 22.30.075, 22.06.030, and 22.80.030 of the Land Use Ordinance, Title 22 of the County Code referring to Olive Oil Processing, Tasting and Retail Sales in addition to retail sales of other agricultural products from farm and field stands.			
RECOMMENDED ACTION Recommend to the Board of Supervisors approval of Land Use Ordinance Amendment LRP2011-00010 based on the findings listed in Exhibit A.			
ENVIRONMENTAL DETERMINATION This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]			
LAND USE CATEGORY All	COMBINING DESIGNATION Not Applicable	ASSESSOR PARCEL NUMBER Not Applicable	SUPERVISOR DISTRICT(S) 1,3,4 & 5
PLANNING AREA STANDARDS: Not Applicable			
EXISTING USES: Not Applicable			
SURROUNDING LAND USE CATEGORIES AND USES: Not Applicable			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Inland Community Advisory Groups, Public Works, Environmental Health, Ag Commissioner, County Parks, CAL FIRE, County Assessor's Office, Health Commission and APCD			
TOPOGRAPHY: Not Applicable		VEGETATION: Not Applicable	
PROPOSED SERVICES: Not Applicable		AUTHORIZED FOR PROCESSING DATE: October 11, 2011	
<p align="center">ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</p>			

2-2

Planning Commission
Land Use Ordinance Amendment # LRP2011-00010 County of SLO – Olive Oil and Sales
Page 2

PROJECT SUMMARY

On October 11, 2011, at a Board of Supervisors strategic planning meeting, the Board directed Planning Department staff to prepare these amendments to the Land Use Ordinance, Title 22 of the County Code, relating to olive oil processing, retail sales and tasting rooms. As proposed, the amendments will include the following:

1. Food and Beverage Products Definition – amend the definition.
2. Agricultural Processing Definition – amend the definition to include olive oil processing.
3. Agricultural Processing Standards - amend the ordinance to include new standards for olive oil processing.
4. Roadside Stands Definition – amend the title and replace with Agricultural Retail Sales.
5. Roadside Stands Standards - replace with new standards for Agricultural Retail Sales.

HISTORY

Olive oil processing is currently included in the Land Use Ordinance definition of “Food & Beverage Products”. When conducted in the Agriculture or Rural Lands categories, olive oil production is limited to processing olives that are exclusively grown on the site of the production facility. The Central Coast Olive Growers (CCOG) and other local olive growers in the county have requested a change to these ordinance standards to allow processing of olives grown off-site, in addition to olives grown on-site. The olive growers have also requested changes to the ordinance to assist with sales and marketing of olive oil.

AUTHORITY

Land Use Ordinance Amendment

The Land Use Element sets forth the authority by which the Land Use Ordinance can be amended. The following factors should be considered in making a decision.

Guidelines for Amendments to Land Use Ordinance

The Land Use Ordinance guides new development so as to be in character with its surroundings and to maintain amenities for living. These principles implement the general goals that are stated in Chapter 1 of Framework for Planning, Part I of the Land Use Element.

Development of new or amended Land Use Ordinance standards should be guided by the following principles for implementation of the general plan goals:

1. All developments should be designed with maximum consideration of the characteristics of project sites and their surroundings:
 - a. To enhance and achieve full use of special site potentials such as natural terrain, views, vegetation, natural waterways or other features;
 - b. To respect and mitigate (or avoid) special site constraints such as climatic conditions, noise, flooding, slope stability, significant vegetation or ecologically sensitive surroundings;

2-3

Planning Commission

Land Use Ordinance Amendment # LRP2011-00010 County of SLO – Olive Oil and Sales

Page 3

- c. To be compatible with present and potential adjacent land uses within the context of the area's urban, suburban or rural character.
2. Designs for proposed residential uses should include:
 - a. Provisions for privacy and usable open space;
 - b. Orientation and design features to shelter from prevailing winds and adverse weather, while enabling use of natural light, ventilation and shade.
3. All developments should be designed to provide safe vehicular and pedestrian movement, adequate parking for residents, guests, employees and emergency vehicles.

The proposed amendments are consistent with these guidelines as the design of individual olive oil processing projects takes into consideration the characteristics of project sites and their surroundings and allowing olive oil processing of the type specifically outlined in the amendments is compatible with present and potential adjacent land uses in the Agriculture and Rural Lands land use categories. In addition, projects are required to be designed to provide for safe circulation, waste disposal and adequate parking. The residential principles do not apply in this case.

LEGISLATIVE INTENT

This ordinance amendment's purpose is to create standards for olive oil processing, tasting and retail sales in addition to retail sales of other agricultural products from farm and field stands for the Inland areas of the County. It is supported by policies of the Land Use, and Agriculture Elements of the County of San Luis Obispo's General Plan.

STAFF COMMENTS

Proposed Ordinance Modifications

The attached Exhibit B shows the proposed Ordinance amendment deletions with strikeouts, and proposed additions with underlined text. The following is a summary discussion of the proposed amendments:

1. Section 22.80.030 the definition of Food and Beverage Products.

Added the notation that olive oil produced without the use of solvents is included under "Ag Processing". Large commercial producers of olive oil typically use solvents in their production. These would continue to fall in the "Food and Beverage Products" land use and would not be allowed in the Agriculture and Rural Lands land use categories unless 100% of the olives processed were grown on the site of the processing facility.

2. Section 22.80.030 the definition of Ag Processing.

Added that olive oil produced without the use of solvents is included under the definition of "Ag Processing" and that olive oil produced with the use of solvents is included in the definition of "Food and Beverage Products". This would act to limit the type of olive oil processing that could occur as an "Ag Processing" land use in the Agriculture and Rural Lands land use categories to small producers. See comments above for large producers.

2-4

Planning Commission

Land Use Ordinance Amendment # LRP2011-00010 County of SLO – Olive Oil and Sales

Page 4

3. Section 22.30.070 Agricultural Processing Uses.

Added olive oil produced without the use of solvents is included as an agricultural processing activity.

4. Section 22.30.070 D. 4. Olive Oil Production.

Added a subsection of standards for the processing of olive oil. Includes standards for waste disposal, setbacks, parking, design and lighting. Includes a notation that tasting room and retail sales are subject to the standards under Agricultural Retail Sales (Farm Stands). Minor Use Permit approval will be required.

5. Section 22.80.030 the definition and title of Roadside Stands.

Renamed "Roadside Stands" to "Agricultural Retail Sales" and amended the definition to state what items may be sold from stands and includes a reference to olive oil sales, tasting and sampling. Also includes clarification for other agricultural sales included in "Outdoor Retail Sales", "Farm Equipment and Supplies" and "Crop Production and Grazing".

6. Section 22.06.030 Table 2-2 Allowable Land Uses and Permit Requirement.

Deleted "Roadside Stands" and replaced with "Agricultural Retail Sales" and allowed these in the Agriculture, Rural Lands, Residential Rural and Residential Suburban land use categories with permit requirement for a Site Plan.

7. Section 22.30.075 Agricultural Retail Sales.

Added a subsection of new standards for Agricultural Retail Sales to replace Roadside Stands. Includes modified definition.

8. Section 22.30.075 A. Limitation on use.

Included two types of stands: Field Stands and Farm Stands. Field stands are defined as stands where 100% of the fruits and vegetables are grown on the site of the stand. Farms Stands allow 50% of the items to come from off-site locations. Farm Stands may sell prepackage food including olive oil and tasting and sampling. State codes consider olive oil "non-potentially hazardous food".

9. Section 22.30.075 B. Design Standards.

Added design standards. The floor area limitation and location criteria are the same as required by previous standards for Roadside Stands. Includes standards for use of structures, setbacks, parking and discontinued agricultural use.

10. Section 22.30.075 C. Notice and hearing requirements.

Added requirements for public hearing notices for Site Plan. No public hearing shall be held unless a hearing is requested by the applicant or other affected person. If a public hearing is requested, the farm or field stand is instead subject a Minor Use Permit. This provision is the same as required by the previous standards for Roadside Stands.

2-5

Planning Commission

Land Use Ordinance Amendment # LRP2011-00010 County of SLO – Olive Oil and Sales

Page 5

11. Section 22.30.075 D. Application content.

Added specific details needed to submit with an application including detailed site plan, floor plans and architectural elevations. Requires applicant to provide clearance from the fire agency and County Environmental Health.

12. All of Section 22.30.510 Roadside Stands.

Deleted entire section.

Attachments

In addition to the amending ordinance, staff has provided the Planning Commission an exhibit (Exhibit B) that shows the proposed changes without the required codified ordinance. This exhibit mimics the public review draft that was released and is easier to follow than the codified amending ordinance. The changes in both Exhibits B and C (the amending ordinance) are identical.

ATTACHMENTS

Exhibit A - Findings

Exhibit B - Proposed Land Use Ordinance Changes for Olive Oil Processing,
Tasting and Retail Sales (Public Hearing Draft - August, 2012)

Exhibit C – Amending Ordinance

2-6

Planning Commission
Land Use Ordinance Amendment # LRP2011-00010 County of SLO – Olive Oil and Sales
Page 6

EXHIBIT A - FINDINGS

Environmental Determination

- A. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

Amendment

- B. The proposed amendment is consistent with the Land Use Element and other adopted elements of the general plan because the changes are consistent with the general goals of the Land Use Element.
- C. The proposed amendments are consistent with the guidelines for amendments to the Land Use Ordinance because the modifications will require the design of individual olive oil processing projects to consider the characteristics of project sites and their surroundings and allowing olive oil processing of the type specifically outlined in the amendments is compatible with present and potential adjacent land uses in the Agriculture and Rural Lands land use categories.
- D. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding area because future oil olive processing projects and farm and field stands are required to be designed to provide for safe circulation, waste disposal, and parking and must meet health, fire and building codes.

2-7

Exhibit B - LRP2011-00010

Proposed Land Use Ordinance Changes For Olive Oil Processing, Tasting and Retail Sales (Public Hearing Draft - August, 2012)

Note: New text is shown as underlined text; proposed deleted text is shown with a strikethrough.

I. Proposed amendment to Article 8, Section 22.80.030 the definition of Food and Beverage Products:

Food and Beverage Products (land use). Manufacturing establishments producing or processing foods and beverages for human consumption and certain related products. Includes:

- bakery, sugar, and confectionery products
- beverages and liquors (except wineries; see "Ag Processing")
- bottled water production
- canned and preserve fruit and vegetables and related processing
- dairy products processing
- fats and oil products, including rendering plants and olive oil produced with the use of solvents (~~Olive oil produced without the use of solvents is included under "Ag Processing"~~)
- grain mill products and by-products
- ice plants
- meat, poultry and seafood slaughtering, and curing, and by-product processing
- miscellaneous food preparation from raw products
- Operations on crops after harvest are included under "Ag Processing." (SIC: Group 20)

II. Proposed amendment to Article 8, Section 22.80.030 the definition of Ag Processing:

Ag Processing (land use). Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables, tree nut hulling and shelling; cotton ginning; wineries, production of olive oil without the use of solvents, alcohol fuel production; and receiving and processing of green material, other than that produced on-site (commercial composting). Green material is any wastes which are derived from plant material, including but not limited to, leaves, grass clippings, weeds, tree trimmings or shrubbery cuttings. Note: any of the above activities performed in the field with mobile equipment not involving permanent buildings (with the exception of the receiving and processing of green material other than that produced on-site) are included under "Crop Production and Grazing." (SIC: 0723, 0724) Olive oil produced with the use of solvents is included under "Food and Beverage Products". (Amended 1995, Ord. 2740)

2-8

LRP2011-00010 County of SLO

Olive Oil & Ag Sales- Exhibit B

III. Proposed amendments to the Section 22.30.070 Agricultural Processing, add subsection 4 to D:

22.30.070 - Agricultural Processing Uses

Agricultural processing activities, including but not limited to wineries, packing and processing plants, ~~and fertilizer plants, commercial composting and olive oil production without the use of solvents,~~ are allowable subject to the following standards.

Section 22.30.070 D Standards for Specific Uses

NOTE: No changes proposed to standards referring to 1. Fertilizers plants 2. Wineries and 3. Commercial composting. Minor Use Permit is required.

4. **Olive Oil Production.** For the purposes of this section the production of olive oil is the making of edible oil obtained solely from the fruit of the olive tree (*olea europea L.*) and specifically excludes the manufacture of edible oils obtained using solvents or re-esterification processes and any oils resulting from a mixture with other oils except in the making of flavored olive oil. Olive oil processed using solvents is included under "Food and Beverage Products".
 - a. **Solid waste disposal.** Pomace may be used as fertilizer or soil amendment, provided that such use or other disposal shall occur in accordance with applicable Health Department standards.
 - b. **Liquid waste disposal.** Standards shall be set, where applicable, through Regional Water Quality Control Board discharge requirements developed in compliance with Section 22.10.180 (Water Quality).
 - c. **Setbacks.**
 - (1) **Rural areas.** All structures and outdoor use areas shall be a minimum of 200 feet from each property line and no closer than 500 feet to any existing residence outside of the ownership of the applicant.
 - (2) **Urban and village areas.** As required by Section 22.10.140 et seq.
 - d. **Parking.** None, provided that sufficient usable area is available to permanently accommodate all employee and visitor parking needs entirely on-site. The parking shall be located and/or landscaped so it is screened from public roads where topography or existing on-site vegetation does not provide for adequate screening.
 - e. **Design standards.** In the Agriculture, Rural Lands or Residential Rural land use categories, all structures associated with olive oil production shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities unless the facility is proposed in the Commercial Service or Industrial land use category.

2-9

LRP2011-00010 County of SLO

Olive Oil & Ag Sales- Exhibit B

- f. Lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector or interior surface is visible from any location off the project site. All lighting poles, fixtures, and hoods shall be dark colored. No exterior lighting shall be installed operated in a manner that would emit light, either reflected or directly, in an upward direction.
- g. Tasting rooms and retail sales. Tasting rooms and retail sales shall be clearly incidental, related and subordinate to the primary operation of olive oil production facility. On-site tasting rooms and retail sales of olive oil are subject to Section 22.30. 075 Agricultural Retail Sales - Farm Stands.

IV. Proposed amendment to Article 8, Section 22.80.030 the definition and title of Roadside Stands:

~~Roadside Stands~~ Agricultural Retail Sales (land use). ~~Open structures for the~~ The retail sale of agricultural products (except hay, grain and feed sales included under Farm Equipment and Supplies), ~~where the structure is located on the site or in the area vicinity of the property where the products being sold were grown.~~ Includes the selling of fruits, vegetables, flowers, shell eggs, nuts, raw fiber or honey, prepackaged non-potentially hazardous food including olive oil and may also include food sampling and or tasting. Does not include hay, grain and feed sales included under "Farm Equipment and Supplies", field sales of agricultural products when not involving a structure requiring a building permit, which is included under "Crop Production and Grazing", and seasonal sales and sales from individual motor vehicles included in "Outdoor Retail Sales".

- V. Proposed amendment to Section 22.30.075, the standards for Roadside Stands, to include (1) replacement with the following new title and standards for Agricultural Retail Sales and (2) modifying the Allowable Uses and Permit Requirements (Table 2-2) to delete Roadside Stands and allow Agricultural Retail Sales in AG, RL, RR, RS and REC categories with permit requirement for a Site Plan or Minor Use Permit if a public hearing is requested.

22.30.075 - Agricultural Retail Sales

These standards apply to the retail sale of agricultural products in structures, or a portion of a structure, constructed or converted for agricultural product merchandising. Hay, grain and feed sales are subject to Section 22.30.210 (Farm Equipment and Supplies). Sales from vehicles and seasonal sales are subject to the applicable provisions of Section 22.30.330 (Outdoor Retail Sales). Sales in the field not involving a structure that requires a building permit, including U-Pick operations, are considered Crop Production and Grazing. The standards of this Section apply in addition to all applicable permit requirements and standards of the County Health Department, and any other applicable Federal and State statutes or regulations. It is recommended that applicants contact the County Health Department as early as possible to determine if any additional standards apply.

2-10

LRP2011-00010 County of SLO

Olive Oil & Ag Sales- Exhibit B

A. Limitation on use.

1. **Field Stand.** Field Stands allowed under this section are defined as an open or fully enclosed structure, where 100 percent of the fruits, vegetables, flowers, shell eggs, nuts, raw fiber or honey offered for sale are grown or produced by the operator and the stand is located on the site where the products offered for sale are grown or produced. Does not include packaging, processing, sampling or tasting or the sales of any packaged or processed produce or products.
2. **Farm Stand.** Farm Stands allowed under this section are defined as a structure or portion thereof, where at least 50 percent of the floor area of the stand is dedicated to selling fruits, vegetables, flowers, shell eggs, nuts, raw fiber or honey that is grown or produced by the operator and the stand is located on the site where the products offered for sale are grown or produced or the sale of prepackaged non-potentially hazardous food, including olive oil, from a state approved source grown or produced on-site. The remaining 50 percent of the floor area of the stand may be used for the selling of fruits, vegetables, flowers, shell eggs, nuts, raw fiber or honey that is grown off site. The sale of prepackaged non-potentially hazardous food from a state approved source not grown or produced on site and other non-food ancillary items is limited to 50 square feet of storage and sales area and may include bottled water and soft drinks. Food preparation is prohibited except for food sampling or tasting.

B. Design Standards.

1. **Sales Area Limitation.** The floor area of the structure, portion of a structure and/or any outdoor display area shall be limited to a total of 500 square feet unless otherwise authorized by Minor Use Permit approval.
2. **Use of Structures.** Agricultural Retail Sales located in a structure or portion of a structure shall be permitted as required by applicable building codes.
3. **Location.** The principal access driveway to a site with a Field Stand or Farm Stand in a residential land use category, shall be located on or within one mile of an arterial or collector. The driveway approach shall conform with current county standards for construction and sight distance.
4. **Setbacks.** Agricultural Retail Sales shall be located a minimum of 50 feet from the front property line, 30 feet from side and rear property lines, but no closer than 400 feet to any existing residence outside the ownership of the applicant. If it is not possible to maintain 400 feet from a residence outside of the ownership of the applicant, the setback can be modified through a Minor Use Permit.
5. **Parking.** One parking space is required per 250 square feet of structure or outdoor display area. Parking shall be provided as follows, with such parking consisting at a minimum of an open area with a slope of 10 percent or less, at a ratio of 400 square feet per car, on a lot free of combustible material, on areas of the site that are not Class I soils as defined by the Natural Resource Conservation Service (NRCS), and outside of the public road right-of-way. Parking areas shall be located in an off-street area accessed by a driveway which conforms to local fire agency standards. The parking area shall be

2-11

LRP2011-00010 County of SLO

Olive Oil & Ag Sales- Exhibit B

surfaced with crushed rock, Class II aggregate base or similar semi-permanent all weather surface.

6. **Discontinued agricultural use.** In the event that the agricultural use that justified the Agricultural Retail Sales is discontinued for more than one growing season, all use of the site for Agricultural Retail Sales shall be terminated.

C. Notice and hearing requirements.

1. **Public notice.** Notice shall be provided to owners of property within 300 feet of the exterior boundaries of the site. The notice shall be provided not less than 10 days before the date of action on the Site Plan Review in compliance with Section 22.02.032. The notice of a Site Plan Review shall declare that the application will be acted on without a public hearing if no request for a hearing is made in compliance with Subsection C.2.
2. **Public hearing.** No public hearing shall be held on the application for a Site Plan Review, unless a hearing is requested by the applicant or other affected person. Such request shall be made in writing to the Director no later than 10 days after the date of the public notice provided in compliance with Subsection C.1. If a public hearing is requested, the roadside stand shall be subject a Minor Use Permit and the Director shall provide notice of the public hearing for the Minor Use Permit in compliance with Section 22.62.050.

D. Application content.

1. **Site Plan.** A site plan which clearly shows the location of the structure(s) to be used as the Agricultural Retail Sales facility, setbacks to nearest property lines, location of road access and designated parking areas.
2. **Floor Plans and Architectural Elevations.** A floor plan with dimensions and elevations of the structure(s) to be used.
3. **Fire Protection.** A fire safety plan that sets forth adequate fire safety measures for the proposed Agricultural Retail Sales facility. Facilities are to be provided as required by the County Fire Department or applicable Fire Agency.
4. **Water Supply, Sanitation, and Food Preparation.** For Farm Stands, a clearance letter from the County Health Department shall be submitted with the land use permit application that sets forth facilities and permits that are required. The Health Department requirements may include but are not limited to: vermin proof storage, toilet, hand washing facilities and potable water.

2-12

LRP2011-00010 County of SLO

Olive Oil & Ag Sales- Exhibit B

VI. Delete entire Section 22.30.510.

~~22.30.510 – Roadside Stands~~

~~These standards apply to the retail sale of agricultural products except hay, grain and feed, in open structures constructed for agricultural product merchandising. Hay, grain and feed sales are subject to Section 22.30.210 (Farm Equipment and Supplies). Sales from vehicles and seasonal sales are subject to the applicable provisions of Section 22.30.330. The standards of this Section apply in addition to all applicable permit requirements and standards of the County Health Department, and any other applicable Federal and State statutes or regulations. It is recommended that applicants contact the County Health Department as early as possible to determine if any additional standards apply.~~

~~A. — Limitation on use.~~

- ~~1. — Residential Suburban category. When temporary stands are located in the Residential Suburban category, at least 50 percent of all products for sale must be grown on the site of the stand, on adjacent contiguous parcels, or on other parcels owned or leased by the owner of the site on which the stand is located. Products from adjacent contiguous properties, not owned or leased by the owner of the site on which the stand is located, may make up the remaining 50 percent. Proof of ownership or lease of the subject parcel(s) shall be provided at the time of land use permit application submittal. The sale of other than agricultural products is not permitted. Permanent roadside stands are not allowable in the Residential Suburban category.~~
- ~~2. — Agriculture, Rural Lands, Residential Rural or Recreation categories. At least 50 percent of all agricultural products for sale must be grown on the site of the stand, on adjacent contiguous parcels, or on other parcels owned or leased by the owner of the site on which the stand is located. Proof of ownership or lease of the subject parcel(s) shall be provided at the time of land use permit application submittal. The sale of other than agricultural products is limited to agricultural-related items and packaged food, which are not to exceed 10 percent of all products for sale.~~
- ~~3. — Temporary stands. A temporary roadside stand is a facility where retail sales are conducted for a period less than 120 days per year. A temporary stand that becomes vacant or unused for a period exceeding 60 days shall be entirely removed from the site, or authorized as a permanent stand, unless otherwise authorized by the land use permit approval. Re-establishment of a temporary stand previously authorized by a land use permit does not require a new permit, provided that all structures and parking areas are exactly as originally approved, and a building permit is obtained if required by the Building and Construction Ordinance (Title 19 of the County Code).~~

~~B. — Notice and hearing requirements.~~

- ~~1. — Public notice. For permanent stands in the Residential Rural land use category or any stand in the Recreation land use category, notice shall be provided to owners of property within 300 feet of the exterior boundaries of the site. The notice shall be provided not less than 10 days before the date of action on the Site Plan Review in compliance with Section 22.02.032. The notice of a Site Plan Review shall declare that the application will~~

2-13

LRP2011-00010 County of SLO

Olive Oil & Ag Sales- Exhibit B

be acted on without a public hearing if no request for a hearing is made in compliance with Subsection B.2.

2. ~~Public hearing.~~ No public hearing shall be held on the application for a Site Plan Review, unless a hearing is requested by the applicant or other affected person. Such request shall be made in writing to the Director no later than 10 days after the date of the public notice provided in compliance with Subsection B.1. If a public hearing is requested, the roadside stand shall be subject to Minor Use Permit approval and the Director shall provide notice of the public hearing for the Minor Use Permit in compliance with Section 22.62.050.

- C. ~~Location.~~ A roadside stand in a residential category shall have frontage on a collector or arterial road. A roadside stand in other than residential categories may be located on a local road or private easement.

- D. ~~Sales area limitation.~~ The floor area of the structure and any outdoor display area shall be limited to a total of 500 square feet, unless otherwise authorized by Minor Use Permit approval.

- E. ~~Setback and parking requirements.~~

Type of Stand	Minimum Setback and Parking Requirements		
	Front Setback	Side and Rear Setbacks	Parking (1)
Temporary	10 foot (2) OR 25 foot (3)	30 feet, but no closer than 400 feet from any dwelling outside the ownership of the applicant (4)	3 off-street spaces
Permanent	50-foot	30 feet, but no closer than 400 feet from any dwelling outside the ownership of the applicant (4)	5 off-street spaces (5)

Notes:

1. ~~Parking shall be located outside of the public road right-of-way.~~
2. ~~Except when parking is proposed in front of a stand.~~
3. ~~When parking is proposed in front of a stand to assure safe parking in front of or nearby the stand.~~
4. ~~If it is not possible to maintain 400 feet from a dwelling outside of the ownership of the applicant, an adjustment in compliance with Section 22.70.030 may be granted to reduce the setback to no less than 100 feet.~~
5. ~~Located in an off-street area accessed by a driveway a minimum of 18 feet wide. The parking area for a permanent stand shall be surfaced with crushed rock, chip seal or paving.~~

2-14

EXHIBIT C – LRP2011-00010

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, SECTIONS 22.30.070, 22.30.075, 22.06.030, AND RELATING TO AGRICULTURAL PROCESSING, OLIVE OIL PROCESSING AND TASTING, AND THE RETAIL SALES OF AGRICULTURAL PRODUCT FROM FIELD AND FARM STANDS.

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.06.030 (Table 2-2) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific Use Standards
	AG(7)	RL	RR	RS	RSF	RMF	
RETAIL TRADE USES							
Roadside Stands – Permanent	SP	SP	SP(6)				22.30.510
Roadside Standards – Temporary	P	P	SP	SP			22.30.510

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific Use Standards
	OP	CR	CS	IND	OS	REC	PF	
RETAIL TRADE USES								
Roadside Stands – Permanent						SP(6)		22.30.510
Roadside Standards – Temporary						SP(6)		22.30.510

SECTION 2: Section 22.06.030 (Table 2-2) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding the following before Auto, Mobile Home & Vehicle Dealers – Indoor as follows:

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific Use Standards
	AG(7)	RL	RR	RS	RSF	RMF	
RETAIL TRADE USES							
Agricultural Retail Sales	SP(6)	SP(6)	SP(6)	SP(6)			22.30.075

2-15

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific Use Standards
	OP	CR	CS	IND	OS	REC	PF	
RETAIL TRADE USES								
Agricultural Retail Sales						SP(6)		22.30.075

SECTION 3: Section 22.30.070 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

22.30.070 - Agricultural Processing Uses

Agricultural processing activities, including but not limited to wineries, packing and processing plants, ~~and fertilizer plants, commercial composting and olive oil production without the use of solvents,~~ are allowable subject to the following standards.

SECTION 4: Section 22.30.070D of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new subsection 4 as follows:

4. Olive Oil Production. For the purposes of this section the production of olive oil is the making of edible oil obtained solely from the fruit of the olive tree (olea europea L.) and specifically excludes the manufacture of edible oils obtained using solvents or re-esterification processes and any oils resulting from a mixture with other oils except in the making of flavored olive oil. Olive oil processed using solvents is included under "Food and Beverage Products".

a. **Solid waste disposal.** Pomace may be used as fertilizer or soil amendment, provided that such use or other disposal shall occur in accordance with applicable Health Department standards.

b. **Liquid waste disposal.** Standards shall be set, where applicable, through Regional Water Quality Control Board discharge requirements developed in compliance with Section 22.10.180 (Water Quality).

c. **Setbacks.**

(1) **Rural areas.** All structures and outdoor use areas shall be a minimum of 200 feet from each property line and no closer than 500 feet to any existing residence outside of the ownership of the applicant.

(2) **Urban and village areas.** As required by Section 22.10.140 et seq.

d. **Parking.** None, provided that sufficient usable area is available to permanently accommodate all employee and visitor parking needs entirely on-site. The parking shall be located and/or landscaped so it is screened from public roads where topography or existing on-site vegetation does not provide for adequate screening.

2-16

- e. **Design standards.** In the Agriculture, Rural Lands or Residential Rural land use categories, all structures associated with olive oil production shall have an exterior design style that is agricultural or residential in nature. Structures shall not use an exterior design style typically associated with large industrial facilities unless the facility is proposed in the Commercial Service or Industrial land use category.
- f. **Lighting.** All lighting fixtures shall be shielded so that neither the lamp nor the related reflector or interior surface is visible from any location off the project site. All lighting poles, fixtures, and hoods shall be dark colored. No exterior lighting shall be installed operated in a manner that would emit light, either reflected or directly, in an upward direction.
- g. **Tasting rooms and retail sales.** Tasting rooms and retail sales shall be clearly incidental, related and subordinate to the primary operation of olive oil production facility. On-site tasting rooms and retail sales of olive oil are subject to Section 22.30.075 Agricultural Retail Sales - Farm Stands.

SECTION 5: Chapter 22.30 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new Section 22.30.075 as follows:

22.30.075 - Agricultural Retail Sales

These standards apply to the retail sale of agricultural products in structures, or a portion of a structure, constructed or converted for agricultural product merchandising. Hay, grain and feed sales are subject to Section 22.30.210 (Farm Equipment and Supplies). Sales from vehicles and seasonal sales are subject to the applicable provisions of Section 22.30.330 (Outdoor Retail Sales). Sales in the field not involving a structure that requires a building permit, including U-Pick operations, are considered Crop Production and Grazing. The standards of this Section apply in addition to all applicable permit requirements and standards of the County Health Department, and any other applicable Federal and State statutes or regulations. It is recommended that applicants contact the County Health Department as early as possible to determine if any additional standards apply.

A. Limitation on use.

- 1. **Field Stand.** Field Stands allowed under this section are defined as an open or fully enclosed structure, where 100 percent of the fruits, vegetables, flowers, shell eggs, nuts, raw fiber or honey offered for sale are grown or produced by the operator and the stand is located on the site where the products offered for sale are grown or produced. Does not include packaging, processing, sampling or tasting or the sales of any packaged or processed produce or products.
- 2. **Farm Stand.** Farm Stands allowed under this section are defined as a structure or portion thereof, where at least 50 percent of the floor area of the stand is dedicated to selling fruits, vegetables, flowers, shell eggs, nuts, raw fiber or honey that is grown or produced by the operator and the stand is located on the site where the products offered for sale are grown or produced or the sale of prepackaged non-potentially hazardous food, including olive oil, from a state approved source grown or produced on-site. The remaining 50 percent of the floor area of the stand may be used for the selling of fruits, vegetables, flowers, shell eggs, nuts, raw fiber or honey that is grown off site. The sale of prepackaged non-potentially

2-17

hazardous food from a state approved source not grown or produced on site and other non-food ancillary items is limited to 50 square feet of storage and sales area and may include bottled water and soft drinks. Food preparation is prohibited except for food sampling or tasting.

B. Design Standards.

1. **Sales Area Limitation.** The floor area of the structure, portion of a structure and/or any outdoor display area shall be limited to a total of 500 square feet unless otherwise authorized by Minor Use Permit approval.
2. **Use of Structures.** Agricultural Retail Sales located in a structure shall be permitted as required by applicable building codes.
3. **Location.** The principal access driveway to a site with a Field Stand or Farm Stand in a residential land use category shall be located on or within one mile of an arterial or collector. The driveway approach shall conform with current county standards for construction and sight distance.
4. **Setbacks.** Agricultural Retail Sales shall be located a minimum of 50 feet from the front property line, 30 feet from side and rear property lines, but no closer than 400 feet to any existing residence outside the ownership of the applicant. If it is not possible to maintain 400 feet from a residence outside of the ownership of the applicant, the setback can be modified through a Minor Use Permit.
5. **Parking.** One parking space is required per 250 square feet of structure or outdoor display area. Parking shall be provided as follows, with such parking consisting at a minimum of an open area with a slope of 10 percent or less, at a ratio of 400 square feet per car, on a lot free of combustible material, on areas of the site that are not Class I soils as defined by the Natural Resource Conservation Service (NRCS), and outside of the public road right-of-way. Parking areas shall be located in an off-street area accessed by a driveway which conforms to local fire agency standards. The parking area shall be surfaced with crushed rock, Class II aggregate base or similar semi-permanent all weather surface.
6. **Discontinued agricultural use.** In the event that the agricultural use that justified the Agricultural Retail Sales is discontinued for more than one growing season, all use of the site for Agricultural Retail Sales shall be terminated.

C. Notice and hearing requirements.

1. **Public notice.** Notice shall be provided to owners of property within 300 feet of the exterior boundaries of the site. The notice shall be provided not less than 10 days before the date of action on the Site Plan Review in compliance with Section 22.02.032. The notice of a Site Plan Review shall declare that the application will be acted on without a public hearing if no request for a hearing is made in compliance with Subsection C.2.
2. **Public hearing.** No public hearing shall be held on the application for a Site Plan Review, unless a hearing is requested by the applicant or other affected person. Such request shall be made in writing to the Director no later than 10 days after the date of the public notice provided in compliance with Subsection C.1. If a public

2-18

hearing is requested, the Agricultural Retail Sales use shall be subject a Minor Use Permit and the Director shall provide notice of the public hearing for the Minor Use Permit in compliance with Section 22.62.050.

D. Application content.

- 1. Site Plan.** A site plan which clearly shows the location of the structure(s) to be used as the Agricultural Retail Sales facility, setbacks to nearest property lines, location of road access and designated parking areas.
- 2. Floor Plans and Architectural Elevations.** A floor plan with dimensions and elevations of the structure(s) to be used.
- 3. Fire Protection.** A fire safety plan that sets forth adequate fire safety measures for the proposed Agricultural Retail Sales facility. Facilities are to be provided as required by the County Fire Department or applicable Fire Agency.
- 4. Water Supply, Sanitation, and Food Preparation.** For Farm Stands, a clearance letter from the County Health Department shall be submitted with the land use permit application that sets forth facilities and permits that are required. The Health Department requirements may include but are not limited to: vermin proof storage, toilet, hand washing facilities and potable water.

SECTION 6: Section 22.30.510 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

22.30.510—Roadside Stands

~~These standards apply to the retail sale of agricultural products except hay, grain and feed, in open structures constructed for agricultural product merchandising. Hay, grain and feed sales are subject to Section 22.30.210 (Farm Equipment and Supplies). Sales from vehicles and seasonal sales are subject to the applicable provisions of Section 22.30.330. The standards of this Section apply in addition to all applicable permit requirements and standards of the County Health Department, and any other applicable Federal and State statutes or regulations. It is recommended that applicants contact the County Health Department as early as possible to determine if any additional standards apply.~~

A. Limitation on use.

- ~~**1. Residential Suburban category.** When temporary stands are located in the Residential Suburban category, at least 50 percent of all products for sale must be grown on the site of the stand, on adjacent contiguous parcels, or on other parcels owned or leased by the owner of the site on which the stand is located. Products from adjacent contiguous properties, not owned or leased by the owner of the site on which the stand is located, may make up the remaining 50 percent. Proof of ownership or lease of the subject parcel(s) shall be provided at the time of land use permit application submittal. The sale of other than agricultural products is not permitted. Permanent roadside stands are not allowable in the Residential Suburban category.~~
- ~~**2. Agriculture, Rural Lands, Residential Rural or Recreation categories.** At least 50 percent of all agricultural products for sale must be grown on the site of the stand, on adjacent contiguous parcels, or on other parcels owned or leased by the owner of the site on~~

2-19

which the stand is located. Proof of ownership or lease of the subject parcel(s) shall be provided at the time of land use permit application submittal. The sale of other than agricultural products is limited to agricultural related items and packaged food, which are not to exceed 10 percent of all products for sale.

3. **Temporary stands.** A temporary roadside stand is a facility where retail sales are conducted for a period less than 120 days per year. A temporary stand that becomes vacant or unused for a period exceeding 60 days shall be entirely removed from the site, or authorized as a permanent stand, unless otherwise authorized by the land use permit approval. Re-establishment of a temporary stand previously authorized by a land use permit does not require a new permit, provided that all structures and parking areas are exactly as originally approved, and a building permit is obtained if required by the Building and Construction Ordinance (Title 19 of the County Code).

B. Notice and hearing requirements.

1. **Public notice.** For permanent stands in the Residential Rural land use category or any stand in the Recreation land use category, notice shall be provided to owners of property within 300 feet of the exterior boundaries of the site. The notice shall be provided not less than 10 days before the date of action on the Site Plan Review in compliance with Section 22.02.032. The notice of a Site Plan Review shall declare that the application will be acted on without a public hearing if no request for a hearing is made in compliance with Subsection B.2.
2. **Public hearing.** No public hearing shall be held on the application for a Site Plan Review, unless a hearing is requested by the applicant or other affected person. Such request shall be made in writing to the Director no later than 10 days after the date of the public notice provided in compliance with Subsection B.1. If a public hearing is requested, the roadside stand shall be subject to Minor Use Permit approval and the Director shall provide notice of the public hearing for the Minor Use Permit in compliance with Section 22.62.050.

- G. **Location.** A roadside stand in a residential category shall have frontage on a collector or arterial road. A roadside stand in other than residential categories may be located on a local road or private easement.

- D. **Sales area limitation.** The floor area of the structure and any outdoor display area shall be limited to a total of 500 square feet, unless otherwise authorized by Minor Use Permit approval.

E. Setback and parking requirements.

Type of Stand	Minimum Setback and Parking Requirements		
	Front Setback	Side and Rear Setbacks	Parking (1)
Temporary	10 foot (2) OR 25 foot (3)	30 feet, but no closer than 400 feet from any dwelling outside the ownership of the applicant (4)	3 off-street spaces
Permanent	50 foot-	30 feet, but no closer than 400 feet from any dwelling outside the ownership of the applicant (4)	5 off-street spaces (5)

2-20

Notes:

1. ~~Parking shall be located outside of the public road right of way.~~
2. ~~Except when parking is proposed in front of a stand.~~
3. ~~When parking is proposed in front of a stand to assure safe parking in front of or nearby the stand.~~
4. ~~If it is not possible to maintain 400 feet from a dwelling outside of the ownership of the applicant, an adjustment in compliance with Section 22.70.030 may be granted to reduce the setback to no less than 100 feet.~~
5. ~~Located in an off street area accessed by a driveway a minimum of 18 feet wide. The parking area for a permanent stand shall be surfaced with crushed rock, chip seal or paving.~~

SECTION 7: Section 22.80.030 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

Ag Processing (land use). Establishments performing a variety of operations on crops after harvest, to prepare them for market on-site or further processing and packaging at a distance from the agricultural area including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables, tree nut hulling and shelling; cotton ginning; wineries, production of olive oil without the use of solvents, alcohol fuel production; and receiving and processing of green material, other than that produced on-site (commercial composting). Green material is any wastes which are derived from plant material, including but not limited to, leaves, grass clippings, weeds, tree trimmings or shrubbery cuttings. Note: any of the above activities performed in the field with mobile equipment not involving permanent buildings (with the exception of the receiving and processing of green material other than that produced on-site) are included under "Crop Production and Grazing." (SIC: 0723, 0724) Olive oil produced with the use of solvents is included under "Food and Beverage Products".

Food and Beverage Products (land use). Manufacturing establishments producing or processing foods and beverages for human consumption and certain related products. Includes:

- bakery, sugar, and confectionery products
- beverages and liquors (except wineries; see "Ag Processing")
- bottled water production
- canned and preserve fruit and vegetables and related processing
- dairy products processing
- fats and oil products, including rendering plants and olive oil produced with the use of solvents (Olive oil produced without the use of solvents is included under "Ag Processing")
- grain mill products and by-products
- ice plants
- meat, poultry and seafood slaughtering, and curing, and by-product processing
- miscellaneous food preparation from raw products
- Operations on crops after harvest are included under "Ag Processing." (SIC: Group 20)

Roadside Stands Agricultural Retail Sales (land use). ~~Open structures for the~~ The retail sale of agricultural products ~~(except hay, grain and feed sales included under Farm Equipment and Supplies); where the structure is~~ located on the site or in the ~~area vicinity~~ vicinity of the property where the products being sold were grown. Includes the selling of fruits, vegetables, flowers, shell eggs, nuts,

2-21

raw fiber or honey, prepackaged non-potentially hazardous food including olive oil and may also include food sampling and or tasting. Does not include hay, grain and feed sales included under "Farm Equipment and Supplies", field sales of agricultural products when not involving a structure that requires a building permit, which is included under "Crop Production and Grazing", and seasonal sales and sales from individual motor vehicles included in "Outdoor Retail Sales".

SECTION 8. That this project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption].

SECTION 9. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 10: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2012, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT: None

ABSTAINING: None

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

2-22

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

WARREN R. JENSEN
County Counsel

By: _____
Deputy County Counsel

Dated: _____